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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,581	06/27/2001	Masayuki Sakura	35.C15488	3309

5514   7590   08/02/2007
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EXAMINER
HUNTSINGER, PETER K

ART UNIT	PAPER NUMBER
2625	

MAIL DATE	DELIVERY MODE
08/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 May 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>42-45,47,59 and 76-82</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>42-45,47,59 and 76-82</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 5/29/07 have been fully considered but they are not

persuasive.

The applicant argues on pages 13-15 of the response in essence that:

Shibusawa'120 does not disclose recognizing which one of a product of sets, a sum of

sets, or arithmetic adding is to be used to synthesize values of capabilities.

2.   Shibusawa'120 discloses the user setting the synthesize method (S7 of Fig. 4,

col. 8, lines 3-19, virtual printer capabilities can be set to ANDing or ORing capabilities

of the group). Zuber '103 teaches applying a arithmetic operation (col. 11, lines 30-35).

In response to applicant's arguments against the references individually, one cannot

show nonobviousness by attacking references individually where the rejections are

based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871

(CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claim 59 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 59 is directed to a program. For claim

59 to be statutory, the applicant must state "A computer readable medium storing a

computer program" (or equivalent) not a program comprising a computer readable medium.

5.   Claims 42-44, 47, 59, 76-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shibusawa'120 in view of Zuber '103.

Referring to claim 42, Shibusawa'120 discloses a print processing method which is executed by a print system (Fig. 1) to which plural print apparatuses (2a, 2b, of Fig. 1) and an information processing apparatus (1, Fig. 1) are connected, comprising:

a selecting step of selecting at least two or more print apparatuses from among the plural print apparatuses (e.g., selecting printer A and printer B as virtual printer or selecting printer B, printer C and printer D as virtual printer, Fig. 6);

a receiving step of receiving capability description information of a first print apparatus and capability description information of a second print apparatus, both selected in said selecting step (S2 of Fig. 9, col. 5, lines 20-27);

a first recognition step of recognizing values of capabilities of the first print apparatus and the second print apparatus, from a first description described in the respective capability description information received in said receiving step (S2 of Fig. 9, col. 5, lines 20-27);

a second recognition step of recognizing a method of synthesizing the values of the capabilities of the first print apparatus and the second print apparatus, from a second description described in the respective capability description information

received in said receiving step (S7 of Fig. 9, col. 8, lines 3-19, virtual printer capabilities

can be set to ANDing or ORing capabilities of the group);

a first generating step of, based on the synthesizing method recognized in said

second recognition step, generating synthesized capability description information

obtained by synthesizing the capability description information of the first print

apparatus and the capability description information of the second print apparatus, by

describing a value obtained by executing Boolean operation to the values of the

capabilities recognized in said first recognition step (col. 5, lines 13-32, summing the

capabilities of printer a and b);

and a second generating step of, based on the synthesizing method recognized

in said second recognition step, generating the synthesized capability description

information obtained by synthesizing the capability description information of the first

print apparatus and the capability description information of the second print apparatus,

by describing the capability included in at least one of the first print apparatus and the

second print apparatus (col. 5, lines 33-46, multiplying the capabilities of printer a and

b);

Shibusawa'120 discloses multiplying the capabilities but does not disclose

expressly executing an arithmetic operation of adding the capabilities (i.e. if the output

number is 10 for printer A, and the output number is 20 for printer B; then the maximum

output number is 30).

Zuber '103 teaches the virtual engine simply appears as a high speed entity and

the speed is equal to the sum of the individual engines rated print speed (column 11,

lines 30-35) by apply a arithmetic operation.

Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified Shibusawa's virtual printer to include

setting the speed of the virtual printer as the speed equals to the sum of the individual

printer rated print speed by performing an arithmetic operation such that a user or

system of Shibusawa would easily determines how fast the virtual printer is or whether

the user's print job would be able to print on time.

Note: Since Shibusawa teaches adding paper tray to paper tray and paper size

to paper size; it would have been obvious to a person of ordinary skill in the art at the

time the invention was made to modify the server of Shibusawa to add paper tray to

paper tray and speed to speed and paper size to paper size.

Referring to claim 43, Shibusawa'120 discloses an attribute setting step of setting

a print attribute of the print data (col. 8, lines 10-25), wherein the setting of the print

attribute in said attribute setting step can be performed based on the synthesized

capability description information generated in said first generating step or said second

generating step (col. 5, lines 20-27, col. 6, lines 50- 67).

Referring to claim 44, Shibusawa'120 discloses an indicating step of indicating

print of the print data, wherein the print data print-indicated in said indicating step is

subjected to dispersion print by the print apparatuses selected in said selecting step

(col. 4, lines 25-32).

Referring to claim 47, Shibusawa'120 discloses, an input operation step of being able to perform an input operation for updating the content of the capability description information of each of the plural print apparatuses (col. 4, 50-67, col. 5, lines 1-7).

Referring to claim 59, see the rejection of claim 42 above.

Referring to claim 76, Shibusawa'120 discloses wherein the capability described in the capability information is at least any one of the number of output bins, paper type, and duplex (col. 5-6, lines 13-67, 1-5).

Referring to claim 78, see the rejection of claim 42 above.

Referring to claim 79, see the rejection of claim 76 above.

Referring to claim 81, see the rejection of claim 43 above.

Referring to claim 82, Shibusawa'120 discloses wherein the information processing apparatus, the first print apparatus and the second print apparatus are connected through a network (network 260 of Fig. 6).

6.   Claims 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shibusawa'120 in view of Zuber '103 as applied to claims 44 above, and in further view of Lobiondo '194.

Referring to claim 45, Shibusawa'120 does not disclose expressly a receiving unit adapted to receive notification of information representing how the print data has been subjected to the dispersion print.

Lobiondo '194 teaches a receiving unit adapted to receive notification of

information representing how the print data has been subjected to the dispersion print

(col. 5, lines 10-15).

Therefore, it would have been obvious to a person with ordinary skill in the art at

the time the invention was made to have modified Shibusawa to include: a receiving unit

adapted to receive notification of information representing how the print data has been

subjected to the dispersion print. It would have been obvious to a person with ordinary

skill in the art at the time the invention was made to have modified Shibusawa by the

teaching of Lobiondo because: it would have allowed users knowing where their print

jobs are being printed, and it would have allowed users to know where to look for their

print jobs to save time.

Conclusion

7.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
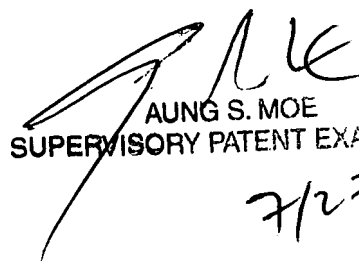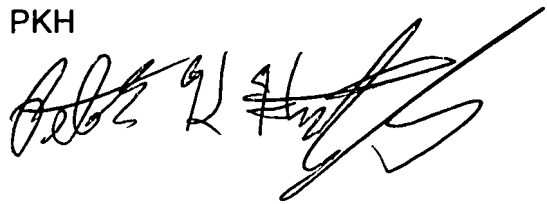
the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peter K. Huntsinger whose telephone number is

(571)272-7435. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PKH

AUNG S. MOE
SUPERVISORY PATENT EXAMINER